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REMARKS

Reconsideration of this application as amended is respectfully requested.

Claims 1 and 7 have been amended and claim 3 has been cancelled.

Claims 1, 2, 4 and 5 were rejected under 35 U.S.C. 102(b) as being anticipated by Mao, U.S. Patent 6,041,895. Claim 1 has been amended to recite that the one of the first and second latching elements has a hook contour extending along a segment of a circumference of the twistshifter near the handlebar and the other of the first and second latching elements forms a cutout extending through one of the housing element and actuating element, the cutout having a complementary shape to the hook contour. Support for the amendment is found in FIGS. 1, 3 and 4. Mao discloses a brake device including a grip tube 14 having an arresting block 23 that is received in an arcuate guide slot 14 of the locating member 10. The arresting block 14 of Mao does not have a hook contour and the guide slot 14 does not extend through the locating member 10. Accordingly, Mao fails to disclose a shifter having first and second latching elements wherein one of the first and second latching elements has a hook contour extending along a segment of a circumference of the twistshifter near the handlebar and the other of the first and second latching elements forms a cutout having a complementary shape to the hook contour and extending through one of the housing element and the actuating element as claimed in claim 1. For this reason, this rejection of claim 1 should be withdrawn.

Claims 2, 4 and 5 were rejected as claim 1 under 35 U.S.C. 102(b). Since claims 2, 4 and 5 depend directly or indirectly from and contain all the limitations of claims 2, 4 and 5 as amended, they are felt to overcome the obviousness rejection in the same manner as amended claim 1.

Claims 1-3 were rejected under 35 U.S.C. 102(e) as being anticipated by Hanatani, U.S. Patent 6,595,894. Claim 1 has been amended to recite that the housing

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element is mounted about and nonrotatably fixed to the handlebar. Hanatani discloses a housing element 50 mounted about the handlebar 12. However, the housing element 50 is not nonrotatably fixed to the handlebar 12; rather it rotates about the handlebar 12. Accordingly, Hanatani fails to disclose a locking device that secures a nonrotatably fixed housing element with a rotating actuating element as claimed in the present invention. For this reason, this rejection of claim 1 should be withdrawn.

Claims 2 and 3 were rejected as claim 1 under 35 U.S.C. 102(3). Since claims 2 and 3 depend directly or indirectly from and contain all the limitations of claims 2 and 3 as amended, they are felt to overcome the obviousness rejection in the same manner as amended claim 1.

Claims 3 and 6 were rejected under 35 U.S.C. 103(a) as being unpatentable over Mao in view of Wessel, U.S. Patent 6,615,688. The examiner states that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the locking device to Mao with the hook engaging device as taught by Wessel in order to provide a more securing shifter so that the mechanism would last longer. Applicant respectively traverses this rejection.

Claim 1 has been amended to recite that one of the first and second latching elements has a hook contour extending along a segment of a circumference of the twistshifter near the handlebar and the other of the first and second latching elements forms a cutout having a complementary shape to the hook contour. As stated by Examiner, Mao fails to disclose latching elements having a hook arrangement. In Mao, the housing element 10 and the rotating actuating element 20 are secured together by the cap member 30. Thus there is no need to modify the arresting block 23 and the guide slot 14 of Mao to have a hooking arrangement taught by Wessel because the housing element 10 and the actuating element 20 are already secured together by the cap member 30. Therefore, there is no suggestion or teaching to modify Mao to include the hooking engagement device taught by Wessel to secure the housing element to the rotating element. For this reason, the rejection of claims 3 and 6 should be withdrawn.

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This amendment is believed to be fully responsive to the comments and suggestions of the Examiner and to place this application in condition for allowance. Favorable action is requested.

Respectfully submitted,
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